



Pinsent Masons

**APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE LOWER THAMES CROSSING
DEADLINE 6 SUBMISSION – WRITTEN REPRESENTATION BY ST. MODWEN
DEVELOPMENTS LIMITED (REFERENCE 20035817)
31 OCTOBER 2023**

1. INTRODUCTION

- 1.1. This submission is made by Pinsent Masons LLP on behalf of its client St. Modwen Developments Limited (“**SMDL**”) in respect of National Highways’ (the “**Applicant**”) application for a development consent order for the Lower Thames Crossing (“**LTC**”) project.
- 1.2. SMDL has submitted several written submissions to the examination: a relevant representation [**RR-1000**], a detailed written representation ([**REP1-396** and **REP1-397**) and a response submitted at Deadline 4 to the Examining Authority’s written questions and requests for information [**REP4-393**]. In addition, the Examining Authority will be aware that SMDL has been represented at the Preliminary Meeting and various hearings including Issue Specific Hearing 1 and Compulsory Acquisition Hearing 1.
- 1.3. SMDL is making this written submission to provide the Examining Authority with an update on the status of its objection to LTC and the position relating to Brentwood Enterprise Park. This update is provided in view of there being less than two months remaining in the examination.

2. UPDATE ON THE CURRENT POSITION

- 2.1. SMDL provided the Examining Authority with an update on the position in its submission at Deadline 4 [**REP4-393**]. From SMDL’s perspective, each of the points raised in that submission and SMDL’s other written submissions to the examination, as referred to above, remain valid and are yet to be resolved.
- 2.2. It continues to be SMDL’s position that a formal land and works agreement is required to ensure that SMDL’s concerns in relation to LTC are addressed. Discussions in relation to that agreement remain ongoing and SMDL remains hopeful that this can be concluded in the coming weeks such that SMDL can withdraw its objection.
- 2.3. However, as articulated in its representation at Deadline 4, SMDL must protect its position in the event that a land and works agreement is not concluded in the coming weeks. For that reason, SMDL would like to reserve the right to be represented and make oral submissions at Compulsory Acquisition Hearing 5 scheduled for 21 November 2023. If negotiations on the draft agreement progress over the coming weeks meaning that SMDL considers that it is not necessary to attend that hearing, SMDL will notify the Examining Authority at the earliest opportunity.